

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	Before the Examiner
McKay, William)	
)	(Not Yet Determined)
Serial No. 09/923,117)	
)	Group Art Unit (Unknown)
Filed August 6, 2001)	
)	
OSTEOGENIC PASTE COMPOSITIONS)	May 1, 2002
AND USES THEREOF)	

RECEIVED

AUG 19 2002

OFFICE OF PETITIONS

STATUS REQUEST

Commissioner for Patents
Washington, DC 20231

Sir:

More than eight (8) months have passed since we received the last communication from the U.S. Patent and Trademark Office, which was the return of our postcard verifying the Patent & Trademark Office's receipt of our Continuation Application for the above matter. We have not yet received an official filing receipt.

Please advise as to the status of the application by either telephoning the undersigned attorney or noting the status on this Status Request and returning it via Facsimile No. (317) 637-7561 or to the address below.

Respectfully submitted,

By:

James B. Myers, Jr.
James B. Myers, Jr.
Reg. No. 42,021
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on	
<u>May 1 2002</u>	Date of Deposit
James B. Myers, Jr.	
Name of Registered Representative	
<u>James B. Myers, Jr.</u>	Signature
<u>May 1 2002</u>	Date of Signature

PC335.02:JBM:lg:167485

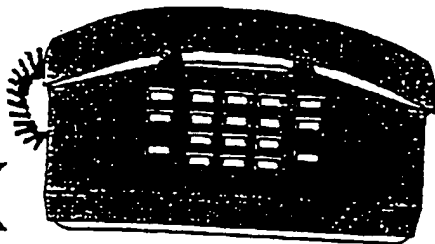
EXHIBIT
4002-2804
B

Patent and Trademark Office
Office of Initial Patent Examination (OIPE)
Customer Service
(703) 308-1202 or 1203 Fax (703) 308-7751

FAX RECEIVED

JUL 29 2002

Fax



To: MS Laurie Eyster From: Preston Wallace
Fax: 317-637-7561 Pages: 4
Phone: 317-634-3456 Date: 07-29-02
Re: N/P notice Office: (OIPE) Customer Service

☐ Urgent ☐ Corrected Filing Receipt ☐ Replacement Filing Receipt ☐ Please Reply

• Comments:



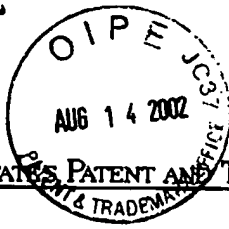
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RECEIVED

AUG 19 2002

OFFICE OF PETITIONS

EXHIBIT
4002-2804
C 1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/923,117	08/06/2001	William F. McKay	4002-2804

CONFIRMATION NO. 9544

FORMALITIES LETTER



OC00000006550463

Kenneth A. Gandy
Woodard Emhart Naughton Moriarty & McNett
Suite 3700
111 Mourment Circle
Indianapolis, IN 46204-5137

Date Mailed: 09/13/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

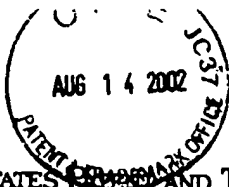
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

RECEIVED
AUG 20 2002
TECHNOLOGY CENTER

RECEIVED
AUG 19 2002
OFFICE OF PETITIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/923,117	08/06/2001	William F. McKay	4002-2804

CONFIRMATION NO. 9544

FORMALITIES LETTER



OC00000006550483

Kenneth A. Gandy
Woodard Emhart Naughton Moriarty & McNett
Suite 3700
111 Mourment Circle
Indianapolis, IN 46204-5137

RECEIVED
AUG 20 2002
TECHNOLOGY CENTER R3700

Date Mailed: 09/13/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED
AUG 19 2002
OFFICE OF PETITIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	FIGS	IND CLAIMS
09/923,117	08/06/2001	3738	872	4002-2804	2	29	3

Kenneth A. Gandy
Woodard Emhart Naughton Moriarty & McNett
Suite 3700
111 Monument Circle
Indianapolis, IN 46204-5137

RECEIVED
AUG 20 2002
TECHNOLOGY CENTER R3700

CONFIRMATION NO. 9544
CORRECTED FILING RECEIPT
OC000000008538000

Date Mailed: 07/30/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination, Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)
William F. McKay, Memphis, TN;

Domestic Priority data as claimed by applicant
THIS APPLICATION IS A CON OF PCT/US00/03024 02/04/2000
WHICH CLAIMS BENEFIT OF 60/118,614 02/04/1999

Foreign Applications

If Required, Foreign Filing License Granted 09/13/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title
Osteogenic paste compositions and users thereof

Preliminary Class

RECEIVED
AUG 19 2002
OFFICE OF PETITIONS

623

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

RECEIVED

AUG 19 2002

OFFICE OF PETITIONS